

01-23-07

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PATENT
Attorney Docket No. 3521.123D

UNITED STATES PATENT AND TRADEMARK OFFICE

	Weijian Wang)	
)	
	U.S. PATENT NO.: 7,095,904)	<u>PETITION TO CONVERT STATUS</u>
)	
	Issue Date: August 22, 2006)	<u>FROM SMALL ENTITY TO LARGE</u>
)	
	Appl. Serial No. 10/758,069)	<u>ENTITY</u>
)	
	Filing Date: January 14, 2004)	
)	

Subject: METHOD AND APPARATUS FOR DETERMINING BEST FOCUS USING
DARK-FIELD IMAGING

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

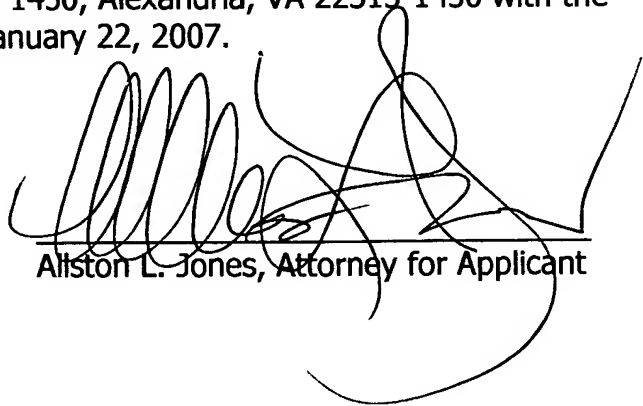
I hereby certify that this paper, and the listed enclosures, and fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 with the Express Mail Label No. EV484313783US on January 22, 2007.

01/24/2007 SLUANG1 00000013 10758069

01 FC:1001 790.00 OP
02 FC:1462 400.00 OP

01/24/2007 SLUANG1 00000014 10758069

01 FC:1252 450.00 OP


Alston L. Jones, Attorney for Applicant

SIR:

The application for the above-identified patent, when filed, claimed small entity status and all fees paid on that date were paid at the small entity rate.

We at all times have been the U. S. representative in the above-identified application and patent and we have only recently learned that, without our knowledge, the Assignee entered into a license agreement directly with another corporation on or about on or about July 5, 2000. Since that date the combined number of employees of the two companies exceeded 500 yet only small entity fees were paid during the prosecution except when we were aware of the Assignee having over 500 employees.

Since we only recently learned that large entity status should have been claimed in the above-identified application and patent from July 5, 2000, or from the filing date, whichever was later, there has been no fraud on, or intention to deceive, the Patent Office by the earlier, and continued, claim of small entity status as there was no assignment of the application or patent to any one or entity other than the Assignee of record.

Thus it is respectfully requested that the status be changed to a large entity retroactive back to July 5, 2000, or the filing date, whichever was later, by payment of the deficiency in fees plus the petition fee.

Having reviewed the file, the fees that were paid from July 5, 2000 to the issuance of the patent are:

Filing Fee - 1/14/04 (small entity fee paid)	\$385
Two month time extension - 1/14/04 (small entity fee - this fee	\$210
is being paid for S/N 09/547,559 the parent application	
of the present invention - now abandoned - because	
the present application claims priority from this application.)	

based on my calculations and the USPTO current fee charges, the large entity fees that should have been paid through the issue fee and were paid at the small entity rate are:

Filing Fee	\$1000
Two month time extension	<u>\$ 450</u>
A Total of	\$1450

Adjustment date: 01/24/2007 SLUANG1
01/20/2004 SSESHE1 00000035 10758069
01 FC:2001 -385.00 0P

Thus, the deficiency is:

Current Fee Total	\$1450
minus Fees previously paid	<u>\$ 595</u>
Difference	\$ 855

In addition to the deficiency, the Commissioner is due a fee for a Petition Not Specifically Provided For of \$400.

Thus the total due the Patent Office based on the above calculations is:

Deficiency	\$ 855
Petition fees	<u>\$ 400</u>
Total	\$1255

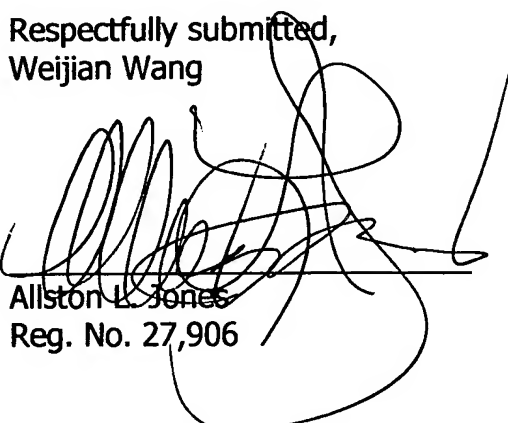
Attached is a check for \$1255. The Commissioner is authorized to charge any additional required fees to Deposit Account 16-1331.

A duplicate of this Petition is enclosed.

Respectfully submitted,
Weijian Wang

Customer No. 23308

by


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